

COMMITTEE ON GOVERNMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2152

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-1802, Arizona Revised Statutes, is amended to  
3 read:

4 13-1802. Theft; classification

5 A. A person commits theft if, without lawful authority, the person  
6 knowingly:

7 1. Controls property of another with the intent to deprive the other  
8 person of such property; or

9 2. Converts for an unauthorized term or use services or property of  
10 another entrusted to the defendant or placed in the defendant's possession  
11 for a limited, authorized term or use; or

12 3. Obtains services or property of another by means of any material  
13 misrepresentation with intent to deprive the other person of such property or  
14 services; or

15 4. Comes into control of lost, mislaid or misdelivered property of  
16 another under circumstances providing means of inquiry as to the true owner  
17 and appropriates such property to the person's own or another's use without  
18 reasonable efforts to notify the true owner; or

19 5. Controls property of another knowing or having reason to know that  
20 the property was stolen; or

21 6. Obtains services known to the defendant to be available only for  
22 compensation without paying or an agreement to pay the compensation or  
23 diverts another's services to the person's own or another's benefit without  
24 authority to do so.

25 B. A person commits theft if the person knowingly takes control,  
26 title, use or management of an incapacitated or vulnerable adult's assets or  
27 property through intimidation or deception, as defined in section 46-456,

1 while acting in a position of trust and confidence and with the intent to  
2 deprive the incapacitated or vulnerable adult of the asset or property.

3 C. The inferences set forth in section 13-2305 apply to any  
4 prosecution under subsection A, paragraph 5 of this section.

5 D. At the conclusion of any grand jury proceeding, hearing or trial,  
6 the court shall preserve any trade secret that is admitted in evidence or any  
7 portion of a transcript that contains information relating to the trade  
8 secret pursuant to section 44-405.

9 E. Theft of property or services with a value of twenty-five thousand  
10 dollars or more is a class 2 felony. Theft of property or services with a  
11 value of four thousand dollars or more but less than twenty-five thousand  
12 dollars is a class 3 felony. Theft of property or services with a value of  
13 three thousand dollars or more but less than four thousand dollars is a class  
14 4 felony, except that theft of any vehicle engine or transmission is a class  
15 4 felony regardless of value. Theft of property or services with a value of  
16 two thousand dollars or more but less than three thousand dollars is a class  
17 5 felony. Theft of property or services with a value of one thousand dollars  
18 or more but less than two thousand dollars is a class 6 felony. Theft of any  
19 property or services valued at less than one thousand dollars is a class 1  
20 misdemeanor, unless the property is taken from the person of another, is a  
21 firearm or is ~~a dog~~ AN ANIMAL taken for the purpose of ~~dog~~ ANIMAL fighting in  
22 violation of section 13-2910.01, in which case the theft is a class 6 felony.

23 F. A person who is convicted of a violation of subsection A, paragraph  
24 1 or 3 of this section that involved property with a value of one hundred  
25 thousand dollars or more is not eligible for suspension of sentence,  
26 probation, pardon or release from confinement on any basis except pursuant to  
27 section 31-233, subsection A or B until the sentence imposed by the court has  
28 been served, the person is eligible for release pursuant to section  
29 41-1604.07 or the sentence is commuted.

30 Sec. 2. Section 13-2910.01, Arizona Revised Statutes, is amended to  
31 read:

32 13-2910.01. Animal fighting; classification

- 1           A. A person commits ~~dog~~ ANIMAL fighting by knowingly:  
2           1. Owning, possessing, keeping or training any ~~dog~~ ANIMAL with the  
3 intent that ~~such dog~~ THE ANIMAL engage in an exhibition of fighting with  
4 another ~~dog~~ ANIMAL.  
5           2. For amusement or gain, causing any ~~dog~~ ANIMAL to fight with another  
6 ~~dog~~ ANIMAL, or causing any ~~dogs~~ ANIMALS to injure each other.  
7           3. Permitting any act in violation of paragraph 1 or 2 to be done on  
8 any premises under ~~his~~ THE PERSON'S charge or control.

9           B. THIS SECTION DOES NOT APPLY TO ANIMALS THAT ARE TRAINED TO PROTECT  
10 LIVESTOCK FROM PREDATION AND THAT ENGAGE IN ACTIONS TO PROTECT LIVESTOCK.

11           ~~B.~~ C. ~~dog~~ ANIMAL fighting is a class 5 felony.

12           Sec. 3. Section 13-2910.02, Arizona Revised Statutes, is amended to  
13 read:

14           13-2910.02. Presence at animal fight; classification

15           Any person who is knowingly present at any place or building where  
16 preparations are being made for an exhibition of the fighting of ~~dogs~~  
17 ANIMALS, or WHO is present at such exhibition, is guilty of a class 6  
18 felony."

19 Amend title to conform

and, as so amended, it do pass

KIRK ADAMS  
Chairman

2152-se-gov  
3/4/08  
H:jmb